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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 CHARLSTON D. HARPER,
8 Plaintiff,

9 v.

10 SPOKANE COUNTY JAIL and
11 SPOKANE COUNTY DETENTION
12 SERVICES,
Defendants.

NO: 2:17-CV-0257-TOR

ORDER DISMISSING COMPLAINT

13 BEFORE THE COURT is Plaintiff's deficient complaint, ECF No. 10.
14 Plaintiff, then a prisoner at the Spokane County Jail, is proceeding *pro se* and *in*
15 *forma pauperis*; Defendants have not been served.

16 By Order filed October 19, 2017, the Court advised Plaintiff of the
17 deficiencies of his complaint and directed him to amend or to voluntarily dismiss his
18 complaint by December 18, 2017 (within 60 days of the Order). ECF No. 11.
19 Plaintiff did not comply with this directive and it is no wonder because the Court's
20 Order was returned as undeliverable. ECF No. 14. Plaintiff was previously advised

1 of his obligation to provide the Court with any change of address. ECF No. 5.
2 Indeed, Plaintiff must have understood his obligation because he did so on August
3 24, 2017. ECF No. 8. It is Plaintiff's responsibility to keep the Court informed of
4 his current address and he has failed to do so.

5 Here, the Court has weighed the factors required to be considered prior to
6 dismissal. *Carey v. King*, 856 F.2d 1439, 1440 (9th Cir. 1988) (quoting five factors
7 listed in *Henderson v. Duncan*, 779 F.2d 142, 1423 (9th Cir. 1986)). Additionally,
8 notice to Plaintiff now would be a futile gesture and no less drastic sanction is
9 available to the Court. *Carey*, 856 F.2d at 1441. It would be absurd to require this
10 Court to hold this case in abeyance indefinitely waiting to see if Plaintiff would
11 someday update his address and prosecute this lawsuit. *See id.*

12 **ACCORDINGLY, IT IS HEREBY ORDERED:**

13 1. The complaint (ECF No. 10) is **DISMISSED without prejudice** for failure
14 to state a claim upon which relief may be granted under 28 U.S.C. §§
15 1915(e)(2) and 1915A(b)(1) and failure to prosecute.

16 2. Plaintiff's *in forma pauperis* status is revoked.


17 3. The Court certifies any appeal of this dismissal would not be taken in good
18 faith.

19 The District Court Executive is directed to enter this Order, enter judgment, and
20 **close** the file. The District Court Executive is further directed to forward a copy of

1 this Order to the Office of the Attorney General of Washington, Corrections
2 Division.

3 **DATED** December 20, 2017.



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THOMAS O. RICE
6 Chief United States District Judge